

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KAREN NOVICK,

Plaintiff,

09 Civ. 6865 (RKE)

-against-

ORDER

METROPOLITAN LIFE INSURANCE
COMPANY and METLIFE OPTIONS AND
CHOICES PLAN NO. 512,

Defendants.
-----X

In its Opinion and Order, dated December 17, 2012, this court remanded plaintiff's Long Term Disability ("LTD") benefits claim, directing "defendants [to] process the application and notify Ms. Novick, in writing, of their decision." Opinion & Order of Dec. 17, 2012, at 37 (ECF Dkt. No. 78). In its Judgment dated February 4, 2013, the court then ordered that, "should defendants file an appeal of this judgment . . . processing of plaintiff's LTD benefits application shall be stayed pending resolution of the appeal and issuance of a mandate by the United States Court of Appeals for the Second Circuit." Judgment of Feb. 4, 2013, at 2 (ECF Dkt. No. 86) ("Judgment"). On December 2, 2014, the Second Circuit issued its Mandate, dismissing the appeal for lack of appellate jurisdiction. Mandate (2d Cir. Dec. 2, 2014) (ECF Dkt. No. 93). The dismissal lifted the stay on the court-ordered remand of plaintiff's claim for LTD benefits. *See* Judgment at 2.

On October 20, 2015, the court held a teleconference with the parties discussing, among other things, the status of the remand. The court was informed that as of October 20, 2015,

defendants have not issued a decision on plaintiff's LTD benefits application. Accordingly, it is hereby

ORDERED that defendants are to process the application pursuant to ERISA and the Regulations promulgated thereunder and the Plan's terms, and notify Ms. Novick in writing of their decision on or before December 21, 2015.

SO ORDERED.

Dated: October 20, 2015
 New York, New York

/s/

Richard K. Eaton
Senior Judge

* Judge Richard K. Eaton of the United States Court of International Trade, sitting by designation.